

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
LINDA LOFTON : ORDER OF REVOCATION
_____ : DOCKET NO: 468-04/98-184

At its meeting of April 2, 1998, the State Board of Examiners reviewed information received from the United States District Court, District of New Jersey, indicating that on October 3, 1996, Linda Lofton had pled guilty to one count of credit card fraud. On March 24, 1997, Lofton was sentenced to 12 months' imprisonment. Lofton is currently the holder of a Teacher of the Handicapped certificate. Upon review of the above information, at that April meeting, the State Board of Examiners voted to issue an Order to Show Cause to Respondent.

The Board sent Lofton the Order to Show Cause by regular and certified mail on May 4, 1998. The Order provided that if Respondent desired to file an Answer to the Order that Answer must be filed within 20 days. On June 24, 1998, Lofton filed an Answer. Lofton's Answer was non-conforming since it did not respond to the charges in the Order to Show Cause in enumerated corresponding paragraphs. Therefore, on June 24, 1998, the Board of Examiners therefore asked Lofton to submit a conforming Answer. Lofton did not submit any other Answer.

In her original Answer, Lofton stated that she was innocent of the crime with which she was charged. (Answer, page 2). Lofton claimed that her purse had been stolen and that the criminal had used Lofton's personal information to rent a home and obtain credit cards. (Answer, page 4). Lofton said she had no choice but to plead guilty and go to prison. (Answer, page 1). Lofton also argued that her teaching certificate should not be suspended because "this horrible situation has no bearing on my ability to teach. This crime that I am accused of is not a crime of moral interpertude [sic]." (Answer, page 2).

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on November 13, 1998, the Board of Examiners sent Lofton a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, Lofton was offered an opportunity to submit

written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the State Board of Examiners would determine if Lofton's offense warranted action against her certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. While the certified mail notice was returned unclaimed, the regular mail copy was not returned. On February 2, 1999, Lofton was notified by regular and certified mail that she was being provided an additional ten days in which to respond to the hearing notice. Once again, the certified mail copy was returned unclaimed and the regular mail copy was not returned.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Lofton's guilty plea to credit card fraud constitutes conduct unbecoming a certificate holder. At its meeting of May 13, 1999, the State Board of Examiners reviewed the charges and papers filed by respondent in response to the Order to Show Cause. After review of Lofton's submissions, the Board of Examiners determined that no material facts related to respondent's offense were in dispute since Lofton admitted that she had pled guilty to the offense charged and had been sentenced accordingly. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. N.J.A.C. 6:11-3.6(a)1.

The State Board of Examiners must now determine whether Lofton's offense as set forth in the Order to Show Cause, provides just cause to act against her certificate pursuant to N.J.A.C. 6:11-3.6(a)1. After our independent review of the record, we find that it does.

The State Board of Examiners may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. N.J.A.C. 6:11-3.4. "Teachers... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment." Tenure of Sammons, 1972 S.L.D. 302, 321. Lofton's offense, to which she pled guilty, cannot be

overlooked. While she may have been an excellent teacher in the classroom, she has not demonstrated like behavior outside that arena.

Lofton argues that she should retain her certificate since the incident was not school-related and does not affect her ability to teach. It is well established that the State Board of Examiners has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. See Cox v. State Board of Examiners, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); State Board of Examiners v. Krupp, 3 N.J.A.R. 285 (1981).

Moreover, the Commissioner has long held that teachers serve as role models for their students. Therefore, a teacher's whole life is subject to scrutiny, not just her actions within the schoolhouse doors:

[R]espondent's argument that, because the occurrence happened in the evening away from school premises, both the Board and the Commissioner have no authority to act, is without merit. Individuals who must comport themselves as models for young minds to emulate choose the teaching profession. This heavy responsibility does not begin at 8:00 a.m. and conclude at 4:00 p.m., Monday through Friday, only when school is in session. Being a teacher requires, *inter alia*, a consistently intense dedication to civility and respect for people as human beings. The Commissioner has, on past occasions, determined tenure charges arising from incidents which happened in the evening both on and off school property. See, In the Matter of the Tenure Hearing of Thomas Appleby, School District of Vineland, Cumberland County, 1965 S.L.D. 159, aff'd State Board of Education 1970 S.L.D. 448; In the Matter of the Tenure Hearing of John H. Stokes, School District of the City of Rahway, Union County, 1971 S.L.D. 623.

In the Matter of the Tenure Hearing of Robert H. Beam, 1973 S.L.D. 157, 163. Lofton therefore cannot exclude her "out-of-school" behavior from this tribunal's examination.

Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E & A 1944). In this instance, Lofton's crime was severe enough to

warrant a one-year jail term in federal prison. These circumstances lead this Board to conclude that revocation is the appropriate penalty in this case.

Accordingly, it is therefore ORDERED that Linda Lofton's Teacher of the Handicapped certificate be revoked on this 13th day of May, 1999. It is further ORDERED that Linda Lofton return her certificate to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: July 9, 1999

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

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